

**2003 No. 408**

**EXTRADITION**

**The European Convention on Extradition (Amendment)  
Order 2003**

*Made* - - - - - *27th February 2003*

*Laid before Parliament* *11th March 2003*

*Coming into force* - - *1st April 2003*

At the Court of Buckingham Palace, the 27th day of February 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas the European Convention on Extradition ("the Convention")(a), opened for signature at Paris on 13th December 1957, entered into force for the United Kingdom on 14th May 1991;

And whereas Azerbaijan ratified the Convention on 28th June 2002 and made the reservations and declarations set out in Schedule 1 to this Order;

And whereas Denmark withdrew its reservation to Article 2, paragraph 1 of the Convention on 23rd September 2002;

And whereas the United Kingdom signed an Extradition Treaty with Serbia ("the Treaty") on 6th December 1900(b);

And whereas Serbia and Montenegro ratified the Convention on 30th September 2002 and made the declarations set out in Schedule 2 to this Order;

And whereas the Treaty remains in force between the United Kingdom and Bosnia-Herzegovina;

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 4(1) of the Extradition Act 1989(c), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the European Convention on Extradition (Amendment) Order 2003 and shall come into force on 1st April 2003.
2. The European Convention on Extradition Order 2001(d) shall be amended as follows—
  - (a) in Part I of Schedule 3 (which names the States parties to the Convention), at the Appropriate points in alphabetical order, the following entries are inserted—

“Azerbaijan”

“Serbia and Montenegro”.

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(a) Cm. 1762.  
(b) S.I. 1901/586.  
(c) 1989 c. 33.  
(d) S.I. 2001/962.

- (b) in Schedule 4 (which sets out the reservations and declarations made by States parties to the Convention)—
  - (i) insert Part 3A, as set out in Schedule 1 to this Order, after Part 3;
  - (ii) in Part 9, remove the following reservation;
    - “Article 2—The obligation to grant extradition shall be restricted to offences, which, under the Danish penal code, are punishable by a penalty more severe than imprisonment for one year or simple detention.”; and
  - (iii) insert Part 32A, as set out in Schedule 2 to this Order, after Part 32.
- (c) in Part I of Schedule 5 (which lists Orders revoked to the extent there specified) after “Former Yugoslav Republic of Macedonia” insert—
  - “, Slovenia, Croatia and Serbia and Montenegro”.

*A. K. Galloway*  
Clerk of the Privy Council

## SCHEDULE 1

Article 2(b)(i)

### Reservations and Declarations by Azerbaijan

#### “PART 3A

#### AZERBAIJAN

#### RESERVATIONS

##### **Article 1**

The Republic of Azerbaijan reserves the right not to grant extradition on humanitarian grounds taking into consideration the age or state of health of the person sought.

The Republic of Azerbaijan will refuse the extradition if there are sufficient grounds for supposing that the extradition would affect the sovereignty or national security of the Republic of Azerbaijan.

The Republic of Azerbaijan will refuse to grant extradition if there are sufficient grounds for supposing that the person requested for extradition will be exposed to torture or other cruel, inhuman or degrading treatment or punishment in the requesting State.

The Republic of Azerbaijan will not grant extradition if there are sufficient grounds for supposing that the person requested for the extradition will be persecuted for reasons of race, nationality, language, religion, citizenship or political opinion.

##### **Article 6**

The Republic of Azerbaijan declares that according to Article 53(II) of the Constitution of the Republic of Azerbaijan in no circumstances a citizen of the Republic of Azerbaijan shall be extradited to another State. In this respect the Republic of Azerbaijan in any case will refuse to extradite its citizens.

#### DECLARATIONS

##### **Article 21**

The Republic of Azerbaijan declares that transit of extradited persons through the territory of the Republic of Azerbaijan will be allowed subject to the observance of the same conditions for extradition.

##### **Article 23**

The Republic of Azerbaijan declares that the requests for extradition and the documents annexed thereto must be submitted with a translation into Azerbaijani language.

##### **Article 27**

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention and its Additional Protocols in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation.”

## SCHEDULE 2

Article 2(b)(iii)

### Declarations by Serbia and Montenegro

#### “PART 32A

#### SERBIA AND MONTENEGRO

#### DECLARATIONS

##### **Article 6**

Serbia and Montenegro shall refuse extradition, in accordance with Article 6, paragraph 1(a) of the Convention.

##### **Article 21**

Serbia and Montenegro shall refuse transit of its nationals in accordance with Article 21, paragraph 2, of the Convention.

In accordance with Article 21, paragraph 5, of the Convention, Serbia and Montenegro shall grant the transit of a person exclusively under the same conditions applicable in case of extradition.”.

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## EXPLANATORY NOTE

*(This note is not part of the order)*

This Order amends the European Convention on Extradition Order 2001 (“the 2001 Order”). Article 2(a) adds Azerbaijan and Serbia and Montenegro to the list in Schedule 3 to the 2001 Order of the States parties to the European Convention on Extradition. Article 2(b), together with Schedules 1 and 2 to this Order, adds the reservations and declarations made by those States and the withdrawal of Denmark’s reservation to Article 2, paragraph 1 of the Convention, which are set out in Schedule 4 to the 2001 Order. Article 2(c) amends the extent of the Orders specified in Part I of Schedule 5 to the 2001 Order.

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